



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JESSE A. HIRSHMAN, ESQ.
1722 MURRAY AVENUE
PITTSBURGH, PA 15217

COPY MAILED

JAN 27 2006

OFFICE OF PETITIONS

In re Application of :
Ernest G. Hope, et. al. :
Application No. 09/382,088 : **ON PETITION**
Filed: August 24, 1999 :
Attorney Docket No. 030673 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 5, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed January 10, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

The Office also acknowledges receipt of \$510 for a three (3) month extension of time. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Commr. Pats. 1988). Accordingly, since the \$510 extension of time submitted with the petition on December 5, 2005, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The Power of Attorney filed October 24, 2005, has been accepted and made of record. However, the address given on the petition differs from the address of record. Therefore, a courtesy copy of this decision is being mailed to the address on the petition. If appropriate, a change of address should be filed in accordance with MPEP 601.03. All future correspondence regarding this application will be directed solely to the address of record until otherwise instructed.

The application file is being referred to Technology Center Art Unit 1644.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith

Petitions Examiner
Office of Petitions

cc: Jesse A. Hirshman, Esq.
2611 Beechwood Blvd.
Pittsburgh, PA 15217